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What comes next? Post-UNGASS options for 2019[1]

Introduction

The 2016 UNGASS on drugs was a critical moment for drug policy reform[2] and was hailed as an opportunity "to conduct a wide-ranging and open debate that considers all options".[3] In June 2017, the United Nations Secretary-General welcomed the UNGASS Outcome Document as a "forward-looking blueprint for action" and called on governments to "honour the unanimous commitments" made.[4]

The next opportunity to build on the important progress made at UNGASS is the Ministerial Segment of the 62nd session of the Commission on Narcotic Drugs, as agreed in Commission on Narcotic Drugs resolution 60/1.[5] 2019 is the target date established in the 2009 Political Declaration and Plan of Action[6] "for States to eliminate or reduce significantly and measurably" illicit drug supply and demand, the diversion and trafficking of precursors and money laundering.[7] Evidence from the United Nations itself shows that these targets are unachievable, and in the 2017 World Drug Report, UNODC stated clearly that the "drug market is thriving".[8]

The 2019 moment is fast approaching, and the modalities for the event will likely be finalized at the 61st session of the Commission on Narcotic Drugs, via resolution L3.[9] In this context, it is critical that a clear process be established to:

(a) Review progress made in light of the 2019 target date set in paragraph 36 of the 2009 Political Declaration (main trends, achievements and gaps);

(b) Conduct a genuine debate on the state of global drug policy, considering "all options", and involving all relevant stakeholders;

(c) Delineate a roadmap for 2019 and beyond to operationalize the recommendations included in the UNGASS Outcome Document.

An honest review of progress made since 2009

The United Nations drug control system has repeatedly set unrealistic goals to reduce and even eradicate global drug markets. This has left member States with a difficult dilemma — how to emphasize the ongoing priority of an escalating world drug problem, without openly acknowledging the inherent failure and ineffectiveness of existing approaches. The inability to provide an honest critique hampers progress and the exploration of urgently needed new approaches. 2019 therefore constitutes a

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[1] A more detailed version of this paper is available here: http://idpc.net/publications/2018/01/what-comes-next-post-ungass-options-for-2019-version-4.

[2] For more detailed analysis see, for example: International Drug Policy Consortium (September 2016), *The UNGASS on the world drug problem: Report of proceedings*, http://idpc.net/publications/2016/09/the-ungass-on-the-world-drug-problem-report-of-proceedings.

[3] United Nations Secretary-General (26 June 2013), *Secretary-General's remarks at the special event on the International Day against Drug Abuse and illicit Trafficking*, https://www.un.org/sg/en/content/sg/statement/2013-06-26/secretary-generals-remarks-special-event-international-day-against.

[4] https://www.un.org/sg/en/content/sg/statement/2017-06-26/secretary-generals-message-international-day-against-drug-abuse-and.

[5] Commission on Narcotic Drugs (March 2017), *Resolution 60/1. Preparations for the sixty-second session of the Commission on Narcotic Drugs in 2019*, https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_60/CNDres_2017/Resolution_60_1_60CND.pdf.

[6] Commission on Narcotic Drugs (March 2009), *Political Declaration and Plan of Action on international cooperation towards an integrated and balanced strategy to counter the world drug problem*, https://www.unodc.org/documents/ungass2016/V0984963-English.pdf.

[7] Ibid., p. 36.

[8] United Nations Office on Drugs and Crime (2017), "Executive summary: Conclusions and policy recommendations", *World Drug Report 2017*, https://www.unodc.org/wdr2017/field/Booklet_1_EXSUM.pdf.

[9] "Preparations for the sixty-second session of the Commission on Narcotic Drugs, in 2019", http://undocs.org/E/CN.7/2018/L.3.

crucial opportunity for a long-overdue evaluation to explore progress made (or lack thereof) since the adoption of the 2009 Political Declaration. To ensure that the process is truly participatory, a United Nations inter-agency working group should be established, and call for inputs from member States, United Nations agencies and civil society — using a model similar to the pre-UNGASS call for contributions.[10]

Reviewing of how progress is evaluated for drug control

As the 2009 goals and targets will expire in 2019, the Ministerial Segment is a key opportunity to consider new indicators to evaluate progress in global drug control for the next decade. The review would incorporate UNODC's current efforts to update the annual report questionnaire (ARQ), in order to better reflect the new priority areas within the UNGASS Outcome Document. An improved mode of data collection and analysis is crucial to adequately monitor progress and impact. Several NGOs have been working over recent years to identify more measurable, realistic and relevant indicators.[11]

This review requires three considerations. First, the need to move away from process indicators (i.e. numbers of arrests, seizures and areas of crops eradicated)[12] and consider outcome indicators (i.e. impacts on health, human rights, levels of corruption, violence and impunity). Second, some of the current imprecise, unrealistic and misconceived indicators should be disregarded in order to focus on others which are realistic, measurable and relevant to assessing progress made. Finally, the updated ARQ should incorporate the new aspects of global drug control enshrined in the UNGASS Outcome Document, in particular in the areas of human rights, availability of controlled medicines, improved access to health services and better health outcomes, and the implementation of development programmes in areas affected by supply-side activities to reduce the risk factors of engagement in illicit economies.[13]

Such a change will require embedding new metrics and indicators in the broader framework of the Sustainable Development Goals (SDGs), especially SDG 1 (No poverty), 3 (Good health/wellbeing), 5 (Gender equality), 8 (Decent work and economic growth), 10 (Reduced equalities) and 16 (Peace, justice and strong institutions) — and beyond the SDGs, in the top three priorities of the United Nations system as a whole: human rights, development and peace and security.

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[10] See: http://www.unodc.org/ungass2016/en/contributions.html; also see: Hallam, C. (March 2016), *Striving for system-wide coherence: An analysis of the official contributions of United Nations entities for the UNGASS on drugs* (London: International Drug Policy Consortium), http://idpc.net/publications/2016/03/striving-for-system-wide-coherence-an-analysis-of-the-official-contributions-of-united-nations-entities-for-the-ungass-on-drugs.

[11] See, for example: Social Science Research Council and International Peace Institute (2018), *Aligning agendas: drugs, sustainable development, and the drive for policy coherence*, https://www.ipinst.org/wp-content/uploads/2018/02/1802_Aligning-Agendas.pdf; Bewley-Taylor, D. (2017), "Refocusing metrics: Can the sustainable development goals help break the 'metrics trap' and modernise international drug control policy?", *Drugs and Alcohol Today*, 17(2): 98–112. Also see a summary of the various Commission on Narcotic Drugs side events organized on the issue of indicators over the past few years: http://cndblog.org/2017/03/preparing-for-2019-drug-policy-objectives-and-indicators-system-wide-coherence-and-the-sustainable-development-agenda/, http://cndblog.org/2015/03/towards-better-measurements-and-improved-system-wide-coherence-policy-indicators-development-and-public-health/ and http://cndblog.org/2014/03/side-event-current-drug-policies-evaluating-indicators-examining-future-options/.

[12] Process indicators are inherently flawed — in particular because they do not measure the effects of interventions on either the scale or diversification of drug markets, or on the people and communities most affected. See: Bewley-Taylor, D. (2017), "Refocusing metrics: Can the sustainable development goals help break the 'metrics trap' and modernise international drug control policy?", *Drugs and Alcohol Today*, 17(2): 98–112.

[13] Bewley-Taylor, D. and Nougier, M. (2018), *Measuring the world drug problem: ARQ revision beyond traditional indicators* (Global Drug Policy Observatory), http://idpc.net/publications/2018/01/measuring-the-world-drug-problem-arq-revision-beyond-traditional-indicators.

Building upon the UNGASS Outcome Document

The UNGASS Outcome Document represents the most recent global consensus on drugs and a blueprint for action going forward. It should therefore not be sidelined in 2019. Important factors to retain include its seven-chapter structure: health, access to medicines, supply reduction, human rights, evolving trends and realities, international cooperation, and development — which represents a major advance on the three pillars of the 2009 Political Declaration.

The language from 2016 is a significant improvement on previous documents in terms of human rights, sensitivity to gender, development and health.[14] Moreover, the drug market, and the world more broadly, has changed significantly since 2009 — in particular the emergence of online drug markets and new psychoactive substances. These aspects are better addressed in the Outcome Document than in previous high-level declarations. Given that Outcome Document is the most recent consensus, it would be expedient to focus on its operationalization, and the identification of new indicators for better data collection.

Finally, an open and constructive discussion on cannabis and potential policy reform are long overdue. Cannabis was insufficiently discussed at the 2016 UNGASS, despite the fact that some jurisdictions had already legally regulated the substance and others announced they would be doing so. The 2019 Ministerial Segment is a critical juncture to take up UNODC's 2006 recommendation and "discuss redefining the status of cannabis".[15]

An inclusive process

The 2019 process should be open and transparent to allow for genuine debate. The intersessional meetings that have taken place in Vienna over the last two years, focusing on the seven themes of the Outcome Document,[16] could usefully evolve into expert group meetings based on the seven UNGASS themes, with clear recommendations and actions focused on the operationalization of the Outcome Document.

To ensure inclusive discussions, all relevant United Nations entities — with strong leadership from the United Nations Secretary-General — should be able to participate in the preparations and at the segment itself, to ensure system-wide coherence in drug control. Mechanisms should also be in place to facilitate the engagement of all member States, including those that do not have permanent missions in Vienna — such as facilities for remote participation, meetings held in other United Nations capitals, and financial support for all member States (and not just Commission on Narcotic Drugs members) to attend the Ministerial Segment.

The involvement of civil society, academia and affected populations should also be strengthened, building upon good practice from UNGASS, with a coordinating role given to the Civil Society Task Force (CSTF). This entails that adequate funding be provided to CSTF and the holding of a Civil Society Hearing ahead of the Ministerial Segment.

[14] For more details on evolution in United Nations agreed language on key drugs issues, see: Bridge, J., Hallam, C., Nougier, M., Herrero Cangas, M., Jelsma, M. Blickman, T. and Bewley-Taylor, D. (2017), *Edging forward: How the UN's language on drugs has advanced since 1990* (International Drug Policy Consortium, Transnational Institute and Global Drug Policy Observatory), http://idpc.net/publications/2017/09/edging-forward-how-the-un-s-language-on-drugs-has-advanced-since-1990.

[15] United Nations Office on Drugs and Crime (2006), "Chapter 2, Cannabis: Why we should care", *World Drug Report 2006*, http://www.unodc.org/pdf/WDR_2006/wdr2006_chap2_why.pdf.

[16] See: http://www.unodc.org/unodc/en/commissions/CND/CND_Meetings-Current-Year.html.